



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 15, 1996

Ms. Barbara J. Norwood
Iverson & Norwood
P.O. Box 759
Liberty, Texas 77535

OR96-1879

Dear Ms. Norwood:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101441.

The Honorable William E. Loftin, Justice of the Peace, Precinct 1-1, received a request for all affidavits filed by the Liberty Police relating to a certain individual. You claim that Justice Loftin, as a member of the judiciary, is not subject to the Texas Open Records Act. In the alternative, you contend that the requested information is excepted from required public disclosure by sections 552.101 and 552.108 of the Government Code.

Section 552.002 of the Government Code provides:

(a) In this chapter, 'public information' means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body.

The definition of a "governmental body," however, does not include the judiciary. Gov't Code §552.003. A justice of the peace is a member of the judiciary; thus, we agree that the Open Records Act does not apply to the requested records. Open Records Decision No 25 (1974). Although, Justice Loftin need not release the requested information pursuant to the Open Records Act, the information may be public by other sources of law. *See Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992); Open Records Decision No. 25 (1974).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101441

Enclosures: Submitted documents

cc: Mr. Jack Balagia, Jr.
McGinnis, Lochridge & Kilgore
3200 One Houston Center
Houston, Texas 77010
(w/o enclosures)